

REMARKS

Claims 1, 3, 4, 7-19, 23-29, 33 and 59-68 are pending in this application. Claims 13, 66 and 67 have been amended to correct typographical and/or grammatical errors. Claim 33 has been amended to correct a dependency problem. New claim 69 has been added and further defines the artificial MHC-II binding peptide sequence as the PADRE peptide (SEQ ID NO. 19). Support for the claim may be found on page 37, line 10 of the Specification. No new matter has been added.

1. Oath/Declaration

The Examiner indicates that the oath/declaration submitted with Applicant's last response is defective because a non-initialed and/or non-dated alteration was present. Applicant will file a corrected oath/declaration when it is received from the inventor.

2. Claim Objections

The Examiner has objected to claim 25 because "of" should be "or" in line 5. Applicant has made the appropriate correction. Reconsideration and removal of the objection is respectfully requested.

3. Claim Rejections under 35 U.S.C. §101

The Examiner has indicated that claims 1, 3, 4, 7-19, 23-29, 33 and 59-68 are provisionally rejected under 35 U.S.C. §101 as claiming the same invention as those of claims 1-22 and 27 of copending Application No. 10/204,362. Applicant respectfully asks that this

rejection be held in abeyance until the Examiner actually issues a notice of allowability in the present case.

4. Claim Rejections under 35 U.S.C. §112, first paragraph

The Examiner has rejected claims 1, 3, 4, 7-19, 23-29 and 59-68 under 35 U.S.C. §112, first paragraph, because the Specification, while being enabling for a method for reducing amyloid plaque burden in a mammal comprising effecting a presentation to said mammal's immune system of an immunologically effective amount of said mammal's autologous A β or autologous APP wherein is introduced at least one isolated foreign T helper epitope, does not reasonably provide enablement for use of the method on all animals or use of other analogues or use of other T helper epitopes. On pages 5-7 of the Office Action, the Examiner comments on the unpredictability in the art and explains why the present Specification does not adequately enable the broad scope of the claims. In paragraph 29 of the Office Action, the Examiner presents a set of proposed amendments to the claims which will overcome the enablement rejection. Without conceding the propriety of the rejection and solely to expedite allowance of the claims, Applicant has adopted the Examiner's proposed claim amendments. Applicant has, however, expanded the definition of the foreign T helper cell epitope to include artificial sequences. There are no functional or structural differences between a naturally occurring T-helper epitope and an artificial sequence (except, of course, the precise sequence). However, both are peptides and both have the ability to bind MHC Class II and stimulate T-helper lymphocytes. Applicant submits that a person of ordinary skill in the art would recognize and appreciate that the artificial sequences are equivalents of the naturally occurring sequences recited in the claim and are equally enabled by the Specification. Support for the claim amendment can

Appl. No. 09/785,215

be found on the text bridging pages 36-37 of the Specification. Accordingly, Applicant respectfully requests reconsideration and removal of the enablement rejection and the allowance of the claims.

4. Rejections under 35 U.S.C. §112, second paragraph

The Examiner has rejected claims 1, 12, 29, 60, 62 and 63 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Claim 12 has been rejected for use of the term "substantially specific". Claim 14 has been rejected for the use of the term of a "lipid nature". Finally, claims 62 and 63 have been rejected for the use of the term "effective part". Applicant has amended the claims to remove or clarify the meaning of these indefinite terms. Applicant believes that the foregoing claim amendments have addressed and obviated all of the indefiniteness rejections. Reconsideration and removal of indefiniteness rejections is therefore requested.

Favorable consideration and early allowance of all the claims is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson (Reg. No. 30,330) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 09/785,215

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Kolpaka Kelly #46,183
Leonard R. Svensson, #30,330

P.O. Box 747
Falls Church, VA 22040-0747
(714) 708-8555

LRS/KR/sml
4614-0112P

(Rev. 09/30/03)

Certificate of Transmission
I hereby Certify that this correspondence is being
facsimile transmitted to the Patent and
Trademark Office:

On Nov. 14 2003

Susan Langworthy

Susan Langworthy

Typed or printed name of person signing certificate